

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: EDWARD JEWELL
DEPUTY ATTORNEY GENERAL**

DATE: JUNE 19, 2020

**SUBJECT: IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN
POWER TO CLOSE THE NET METERING PROGRAM TO NEW
SERVICE & IMPLEMENT A NET BILLING PROGRAM TO
COMPENSATE CUSTOMER GENERATORS FOR EXPORTED
GENERATION; CASE NO. PAC-E-19-08.**

On June 14, 2019, Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power” or “Company”) filed an application requesting the Commission close Electric Service Schedule 135 – Net Metering Service (“Schedule 135” or “Net Metering Program”) to new customer participation as of December 31, 2019, and open Electric Service Schedule 136 – Net Billing Service (“Schedule 136” or “Net Billing Program”) to new customer participation as of February 1, 2020.

On July 18, 2019, the Commission issued a Notice of Application and Notice of Intervention Deadline. Order No. 34379. Idaho Irrigation Pumpers Association, Inc., Idaho Conservation League, and Idaho Clean Energy Association, Inc. intervened.

On April 23, 2020, Rocky Mountain Power filed a supplemental application (“Supplemental Application”) in this docket.

On June 10, 2020, Monsanto Company filed a Petition for Leave to Intervene.

On June 19, 2020, Monsanto Company filed an Amended Petition for Leave to Intervene.

RULES GOVERNING LATE PETITIONS TO INTERVENE

Petitions to intervene that are not timely filed “must state a substantial reason for delay.” IDAPA 31.01.01.073. “The Commission may deny or conditionally grant petitions to

intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons.” *Id.* Also, “Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition.” *Id.* “No order granting a petition to intervene will be acted upon fewer than seven (7) days after its filing, except in a hearing in which any party may be heard. Any party opposing a petition to intervene must do so by motion in opposition filed within seven (7) days after receipt of the petition to intervene and served upon all parties of record and upon the person petitioning to intervene.” IDAPA 31.01.01.074.

MONSANTO’S PETITION

Monsanto’s original petition did not state a reason for untimely filing. Monsanto’s amended petition states it became aware of the Company’s Supplemental Application upon receipt of the Commission’s press release, which was issued June 4, 2020.

COMMISSION DECISION

Does the Commission wish to grant Monsanto’s Amended Petition for Leave to Intervene?



Edward J. Jewell
Deputy Attorney General

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